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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

BATHE *ET AL.*

Group Art Unit: 1652

Application Serial No.: 09/824,551

Examiner: KERR, K.M.

Filed: August 1, 2001

Title: NEW NUCLEOTIDE SEQUENCES ENCODING THE LUXS GENE

March 4, 2003

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DECLARATION OF BIOLOGICAL DEPOSIT
IN COMPLIANCE WITH THE BUDAPEST TREATY

Hon. Commissioner for Patents
Washington, D.C. 20231

RECEIVED

MAR 07 2003

Sir:

TECH CENTER 1600/2900

I, Thomas A. Cawley, Jr., hereby state as follows:

1. I am an attorney of record for the above-identified patent application, and as such I am authorized to act on behalf of Degussa AG, the assignee of the application.
2. Degussa AG is the assignee of the above-identified patent application as evidenced by an assignment from the inventors that was recorded in the United States Patent and Trademark Office on August 1, 2001, at Reel No. 012033, Frame No. 0211.
3. *Escherichia coli* strain Top10/pCR2.1luxSint was deposited with the Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (DSM) under the terms of the Budapest Treaty on February 23, 2001, and assigned accession no. DSM 14082.
4. DSM is a depository in accordance with the Budapest Treaty for the above-deposited cultures. Should the cells mutate, become non-viable, non-functional, or be inadvertently destroyed, the assignee will replace such cells for at least thirty years from the date of the original deposit, or for at least five years from the date of the most recent request for release of a sample, or for the enforceable life of any patent issued on the above-identified application, whichever period is longest.

5. The deposits have been made under conditions of assurance of (a) ready accessibility thereto by the public if an enforceable patent is granted whereby all restrictions to the availability to the public of the cell lines so deposited will be irrevocably removed upon the granting of the patent, and (b) access to the cell lines will be available during pendency of the patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under applicable statutes and regulations.
6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Degussa AG

By



Thomas A. Cawley, Jr., Ph.D.
Registration No.: 40,944
Attorney for Applicants
Direct No.: 703-905-2144

TAC\GP

Pillsbury Winthrop LLP
1600 Tysons Boulevard
McLean, VA 22102

Telephone: 703-905-2000
Facsimile: 703-905-2500



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION

I, Janet Hope, BSc(Hons.), MIL., MITI., translator to Messrs. Taylor and Meyer of 20 Kingsmead Road, London SW2 3JD, England, do solemnly and sincerely declare as follows:

1. That I am well acquainted with the English and German languages;
2. That the following is a true translation made by me into the English language of German Priority Text Application No. 101 12 105.9;
3. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true;

and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardise the validity of the application or any patent issued thereon.

Signed, this 15th day of January 2003,



Menai Bridge, Anglesey, LL59 5PN